

REFERENCE TITLE: county merit system; hearing officers

State of Arizona
Senate
Forty-ninth Legislature
First Regular Session
2009

SB 1313

Introduced by
Senators Tibshraeny: Gray L, Paton; Representatives Antenori, Konopnicki,
Reagan

AN ACT

AMENDING SECTIONS 11-354 AND 11-356, ARIZONA REVISED STATUTES; RELATING TO
THE COUNTY EMPLOYEE MERIT SYSTEM.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 11-354, Arizona Revised Statutes, is amended to
3 read:
4 11-354. Powers and duties of the commission
5 A. The commission shall perform ~~such~~ THOSE duties and exercise ~~such~~
6 THOSE powers ~~as~~ THAT are necessary to carry out ~~the provisions of~~ this
7 article.
8 B. THE COMMISSION MAY APPOINT HEARING OFFICERS TO CONDUCT HEARINGS ON
9 BEHALF OF THE COMMISSION.
10 Sec. 2. Section 11-356, Arizona Revised Statutes, is amended to read:
11 11-356. Dismissal, suspension or reduction in rank of
12 employees; appeals; hearings
13 A. Any officer or employee in the classified civil service may be
14 dismissed, suspended or reduced in rank or compensation by the appointing
15 authority after appointment or promotion is complete only by written order,
16 stating specifically the reasons for the action. The order shall be filed
17 with the clerk of the board of supervisors and a copy ~~thereof~~ shall be
18 furnished to the person to be dismissed, suspended or reduced.
19 B. The officer or employee, ~~may~~ within ten days after presentation to
20 him of the order, ~~MAY~~ appeal ~~from~~ the order through the clerk of the
21 commission. ~~Upon~~ ~~ON~~ the filing of the appeal, the clerk ~~OF THE COMMISSION~~
22 shall ~~forthwith~~ IMMEDIATELY transmit the order and appeal to the commission
23 for A hearing.
24 C. Within twenty days ~~from the filing of the appeal, the commission~~
25 ~~shall commence the hearing and either affirm, modify or revoke the~~ AFTER
26 RECEIVING THE ORDER AND APPEAL, THE COMMISSION SHALL SET A DATE FOR A HEARING
27 OF THE APPEAL. The appellant may appear personally, produce evidence, have
28 counsel and, if requested by the appellant, REQUEST a public hearing.
29 D. THE COMMISSION MAY APPOINT A HEARING OFFICER TO CONDUCT THE HEARING
30 AND TAKE EVIDENCE ON BEHALF OF THE COMMISSION. THE HEARING OFFICER IS
31 ENTITLED TO EXERCISE THE RIGHTS PRESCRIBED BY SECTION 12-2212. IF A HEARING
32 OFFICER IS APPOINTED TO CONDUCT THE HEARING, ON CONCLUSION OF THE HEARING THE
33 HEARING OFFICER SHALL SUBMIT PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW
34 AND A RECOMMENDATION TO THE COMMISSION.
35 E. IN ANY APPEAL OF A DISMISSAL, SUSPENSION OR REDUCTION IN RANK IN
36 WHICH A SINGLE HEARING OFFICER HAS BEEN APPOINTED TO CONDUCT THE APPEAL
37 HEARING, THE OFFICER OR EMPLOYEE OR THE EMPLOYER MAY REQUEST A CHANGE OF
38 HEARING OFFICER. ON THE FIRST REQUEST OF A PARTY, THE COMMISSION SHALL GRANT
39 THE REQUEST. THE COMMISSION MAY GRANT ALL OTHER REQUESTS ONLY ON A SHOWING
40 THAT A FAIR AND IMPARTIAL HEARING CANNOT BE OBTAINED DUE TO THE PREJUDICE OF
41 THE ASSIGNED HEARING OFFICER. THE CHAIRPERSON OF THE COMMISSION SHALL DECIDE
42 WHETHER A SUFFICIENT SHOWING OF PREJUDICE HAS BEEN MADE.

1 F. FOLLOWING THE HEARING, OR IF A HEARING OFFICER HAS BEEN APPOINTED,
2 FOLLOWING RECEIPT OF THE HEARING OFFICER'S PROPOSED FINDINGS OF FACT,
3 CONCLUSIONS OF LAW AND RECOMMENDATION, THE COMMISSION SHALL EITHER AFFIRM,
4 MODIFY OR REVOKE THE ORDER.

5 ~~D.~~ G. The findings and decision of the commission shall be final,~~—~~
6 and shall be subject to administrative review as provided in title 12,
7 chapter 7, article 6.